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COPY OF PAPER ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroki NAKAHIRA *et al.*

Art Unit :

Serial No.:

Examiner :

Filed : December 21, 2001

Title : CONTROL APPARATUS FOR CUTTING MACHINE AND METHOD
OF INDICATION

Assistant Commissioner for Patents
Washington, DC 20231

STATEMENT REGARDING ATTEMPTED EXPRESS MAIL SUBMISSION
PURSUANT TO NOTICE AT 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001)

Dear Sir:

I, the undersigned, being a registered patent attorney, presented the accompanying express mail package to the U.S. Postal Service at Bush Intercontinental Airport, Houston, Texas, on December 21, 2001. The package is properly addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

The U.S.P.S. employee refused to accept this package, citing the November 16, 2001, notice of the Chief Operating Officer and Executive Vice President of the United States Postal Service temporarily and immediately suspending Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). It is noted that the USPTO designated this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). The U.S.P.S. employee was unaware that this Notice had been rescinded, and could not be convinced otherwise.

Because the Notice has been rescinded, the undersigned did not have on hand the alternative Virginia address designated by the USPTO for acceptance of Express Mail filings. Due to the timing involved, the undersigned was unable to return to his office, re-address the express mail filing, and return to the airport. Accordingly, the undersigned avails himself to the instructions provided by the notice in the Official Gazette on October 9, 2001, that provides guidance in the situation in which a post office refuses to accept the deposit of mail for delivery by Express Mail service. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001). These instructions provide that the applicant should:

mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

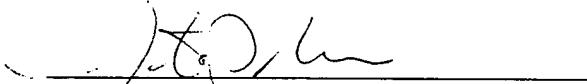
This statement complies with these instructions in all respects. The undersigned hereby certifies that this paper, and the accompanying utility patent application enclosed in an un-opened express mail envelope, have been mailed on December 21, 2001, to the Assistant Commissioner for Patents, Washington, D.C. 20231, as set out in 37 C.F.R. 1.1(a) and includes the special box designation: **BOX FILING DATE**.

No petition is believed necessary for submission of this statement and accordation of the proper filing date of December 21, 2001. However, if a petition is deemed necessary, please consider this paper as such at charge the necessary fee, if any, to Deposit Account 500-591 (Reference Number 04995/045001).

Please apply any charges not covered to Deposit Account 500-591 (Reference Number 04995/045001).

Respectfully submitted,

Date: 12/21/01


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